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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 03579

14 LINDA SUE SCOTT,

a.k.a. LINDA SUE HUFF,

15 a.k.a. LINDA SUE FORNOFF

8564 Echo Drive, #1

16 La Mesa, CA 91944

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

17 Registered Nurse License No. 512008

18 Respondent.

19 FINDINGS OF FACT

20
21 1. On or about April 18, 2007, Complainant Ruth Ann Terry, M.P.H, R.N, in
22 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs, filed Accusation No. 03579 against Linda Sue Scott, also known as Linda Sue
24 Hoff and Linda Sue Fornoff (Respondent) before the Board of Registered Nursing.

25 2. On or about June 13, 1995, the Board of Registered Nursing issued
26 Registered Nurse License Number 512008 to Respondent. The license will expire on July 31,
27 2007, unless renewed.

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3. On or about May 21, 2007, Sandra Sotelo, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 03579, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 8564 Echo Drive, #1, La Mesa, California 91941-663. A copy of the Accusation, the related documents, and Declaration of Service are attached as Exhibit A, and are incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

6. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 03579.

7. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A and B, finds that the allegations in Accusation No. 03579 are true.

9. The total costs for investigation and enforcement are \$1,720.00 as of July 12, 2007. See Certification of Costs: Declaration of Rita M. Lane attached hereto as Exhibit B and incorporated herein by reference.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent has subjected her registered nurse license to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's registered nurse license based upon the following violations alleged in the Accusation:

a. Respondent is subject to disciplinary action under Business and Professions Code section 2761(a) on the grounds of unprofessional conduct as defined in section 2761(f) of that Code in that Respondent was convicted of the crime of stalking.

The circumstances are as follows:

1. On or about July 29, 2004, in the San Diego Superior Court, in proceedings entitled *People of the State of California v. Linda S. Scott*, Case No. SCD182472, Respondent was convicted by the court on her plea of guilty to a violation of Penal Code section 646.9(B) (Stalking after Service of a Temporary Restraining Order), a felony.

2. On or about July 29, 2004, Respondent was sentenced and remanded to the custody of the sheriff for 180 days and then placed on formal probation for 3 years; ordered to pay a fine of \$239.00; pay a restitution fine of \$200.00, pay restitution to the victim in an amount to be determined; and ordered to pay court appointed attorney fees in the amount of \$570.00.

3. The circumstances of the crime are as follows:

Respondent and B.M. had a previous dating relationship that ended in 2001. On or about September 1, 2003 and December 24, 2003, Respondent repeatedly harassed B.M. and threatened B.M. B.M.

1 obtained a restraining order against Respondent and served the
2 restraining order on Respondent. On or about January 22, 2004,
3 after Respondent had already been served with the restraining
4 order, B.M. received over 20 harassing phone calls from
5 Respondent and several letters from Respondent addressed to him
6 as "Lying Bastard Asshole M^W." B.M. also found large amounts of
7 feathers on and around his car.

8 b. Respondent is subject to disciplinary action under Business and
9 Professions Code sections 490 and 2761(a) and California Code of Regulations, title 16,
10 section 1444 on the grounds of unprofessional conduct as defined in section 2761(f) of
11 that Code in that Respondent was convicted of a crime substantially related to the
12 qualifications, functions and duties of a registered nurse as set forth in paragraph 4(a)
13 above, which is realleged and incorporated herein by reference.

14 c. Respondent is subject to disciplinary action for unprofessional conduct
15 under Business and Professions Code section 2761(a) in that she harassed and threatened
16 B.M. as set forth above in paragraph 4(a) above, which is realleged and incorporated
17 herein by reference.

18 ORDER

19 IT IS SO ORDERED that Registered Nurse License No. 512008, heretofore
20 issued to Respondent, is revoked.

21 Pursuant to Government Code section 11520, subdivision (c), Respondent may
22 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
23 within seven (7) days after service of the Decision on Respondent. The agency in its discretion

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26 _____
27 1. On the letters, Respondent spelled out the victim's entire last name. To maintain the
28 privacy of the victim, his last name has been abbreviated here to "M" to reflect the first initial
of his last name.

1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
2 statute.

3 This Decision shall become effective on October 28, 2007

4 It is so ORDERED September 28, 2007

5
6 *LaThane M. Tate*

7 FOR THE BOARD OF REGISTERED NURSING
8 DEPARTMENT OF CONSUMER AFFAIRS
9

10 SCOTT default.wpd

11 DOJ docket number:SD2006800366

12 Attachments:

13 Exhibit A: Accusation No.03579, Related Documents, and Declaration of Service
14 Exhibit B: Certification of Costs: Declaration of Rita M. Lane
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Exhibit A

Accusation No. 03579,
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
2 MARGARET A. LAFKO
Lead Supervising Deputy Attorney General
3 RITA M. LANE, State Bar No. 171352
Deputy Attorney General
4 California Department of Justice
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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 03579

14 LINDA SUE SCOTT,
a.k.a. LINDA SUE HUFF,
15 a.k.a. LINDA SUE FORNOFF
8564 Echo Drive, #1
16 La Mesa, CA 91941-6663

A C C U S A T I O N

17 Registered Nurse License No. 512008

18 Respondent.
19

20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
23 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
24 Department of Consumer Affairs.

25 2. On or about June 13, 1995, the Board of Registered Nursing issued
26 Registered Nurse License Number 512008 to Linda Sue Scott, also known as Linda Sue Huff and
27 Linda Sue Fornoff (Respondent). The license will expire on July 31, 2007, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), of the Business and Professions Code (Code) provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 125.3 of the Code provides, in pertinent part, that the Board, Registrar or Director may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

6. Section 490 of the Code states:

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

7. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . . .

1 (f) Conviction of a felony or of any offense substantially related to the
2 qualifications, functions, and duties of a registered nurse, in which event the
record of the conviction shall be conclusive evidence thereof.

3 9. Section 2764 of the Code provides, in pertinent part, that the expiration of
4 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under section
6 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
7 the expiration.

8 10. California Code of Regulations, title 16, section 1444, states:

9 A conviction or act shall be considered to be substantially related to the
10 qualifications, functions or duties of a registered nurse if to a substantial degree it
11 evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare.

12 11. California Code of Regulations, title 16, section 1445(b), states:

13 When considering the suspension or revocation of a license on the grounds
14 that a registered nurse has been convicted of a crime, the board, in evaluating the
15 rehabilitation of such person and he/her eligibility for a license will consider the
following criteria:

16 (1) Nature and severity of the act(s) or offenses(s).

17 (2) Total criminal record.

18 (3) The time that has elapsed since commission of the act(s) or offense(s).

19 (4) Whether the licensee has complied with any terms of parole, probation,
restitution or any other sanctions lawfully imposed against the licensee.

20 (5) If applicable, evidence of expungement proceedings pursuant to Section
21 1203.4 of the Penal Code.

22 FIRST CAUSE FOR DISCIPLINE

23 (Conviction of a Crime)

24 12. Respondent is subject to disciplinary action under Code section 2761(a) on
25 the grounds of unprofessional conduct as defined in section 2761(f) of that Code in that
26 Respondent was convicted of the crime of stalking. The circumstances are as follows:

27 13. On or about July 29, 2004, in the San Diego Superior Court, in
28 proceedings entitled *People of the State of California v. Linda S. Scott*, Case No. SCD182472,

1 Respondent was convicted by the court on her plea of guilty to a violation of Penal Code section
2 646.9(B) (Stalking after Service of a Temporary Restraining Order), a felony.

3 a. On or about July 29, 2004, Respondent was sentenced and
4 remanded to the custody of the sheriff for 180 days and then placed on formal probation
5 for 3 years; ordered to pay a fine of \$239.00; pay a restitution fine of \$200.00, pay
6 restitution to the victim in an amount to be determined; and ordered to pay court
7 appointed attorney fees in the amount of \$570.00.

8 b. The circumstances of the crime are as follows: Respondent and
9 B.M. had a previous dating relationship that ended in 2001. On or about September 1,
10 2003 and December 24, 2003, Respondent repeatedly harassed B.M. and threatened B.M.
11 B.M. obtained a restraining order against Respondent and served the restraining order on
12 Respondent. On or about January 22, 2004, after Respondent had already been served
13 with the restraining order, B.M. received over 20 harassing phone calls from Respondent
14 and several letters from Respondent addressed to him as "Lying Bastard Asshole M¹."
15 B.M. also found large amounts of feathers on and around his car.

16 SECOND CAUSE FOR DISCIPLINE

17 (Conviction of a Crime Substantially Related to the Duties of a Registered Nurse)

18 14. Respondent is subject to disciplinary action under Code sections 490 and
19 2761(a) and California Code of Regulations, title 16, section 1444 on the grounds of
20 unprofessional conduct as defined in section 2761(f) of that Code in that Respondent was
21 convicted of a crime substantially related to the qualifications, functions and duties of a
22 registered nurse as set forth in paragraphs 12 and 13 above, which is realleged and incorporated
23 herein by reference.

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27 1. On the letters, Respondent spelled out the victim's entire last name. To maintain the
28 privacy of the victim, his last name has been abbreviated here to "M" to reflect the first initial
of his last name.

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 15. Respondent is subject to disciplinary action for unprofessional conduct
4 under section 2761(a) in that she harassed and threatened B.M. as set forth above in paragraphs
5 12 and 13 above, which is realleged and incorporated herein by reference.

6 PRAYER


7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 512008, issued
10 to Linda Sue Scott, also known as Linda Sue Huff and Linda Sue Fornoff;

11 2. Ordering Linda Sue Scott; also known as Linda Sue Huff and Linda Sue
12 Fornoff, to pay the Board of Registered Nursing the reasonable costs of the investigation and
13 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

14 3. Taking such other and further action as deemed necessary and proper.

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16 DATED: 4/18/07

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19 Ruth Ann Terry, M.P.H., R.N.
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant

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